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7 **UNITED STATES DISTRICT COURT**  
8 **FOR THE DISTRICT OF NEVADA**

9 TISSUE REGENERATION  
10 TECHNOLOGIES, LLC and GENERAL  
11 PATENT, LLC

11 Plaintiffs,

12 vs.

13 MALE PERFORMANCE MEDICAL  
14 PARTNERSHIP, LLC; MEDICAL  
15 PARTNERSHIP, LLC; R. BAXTER  
16 TEEGARDEN; LEONARD MESSINA;  
17 RICHARD NEISWONGER a/k/a RICK  
18 CHARLES; LAS VEGAS MALE  
19 PERFORMANCE CLINIC; and PEAK  
20 HEALTH GROUP LV LLC,

19 Defendants.

Case No.: 2:18-cv-01914-RFB-GWF

**STIPULATION AND ORDER FOR  
EXTENSION OF TIME TO ANSWER  
OR OTHERWISE RESPOND TO  
AMENDED COMPLAINT**

**(Eighth Request)**

22 Pursuant to Federal Rule of Civil Procedure 6(b)(1) and Local Rule IA 6-1, Plaintiffs  
23 Tissue Regeneration Technologies, LLC and General Patent, LLC, (collectively, "Plaintiffs") and  
24 Defendants Male Performance Medical Partnership, LLC, Medical Partnership, LLC, Leonard  
25 Messina, and Las Vegas Male Performance Clinic (collectively, the "Messina Defendants" or  
26 "Defendants"), by and through their respective counsel of record, Weide & Miller, Ltd., on behalf  
27 of Plaintiffs, and the Law Offices of Philip A. Kantor, P.C., appearing on behalf of the Messina  
28 Defendants, hereby agree and stipulate for an extension of time for the Messina Defendants to

1 file and serve their answer or other responses to the Amended Complaint from the current  
2 deadline of June 28, 2019, up to and including September 3, 2019.

3 Good cause for this request exists to provide the parties with time to continue in good faith  
4 settlement discussions, particularly regarding issues of non-infringement, patent validity, and  
5 alleged false advertising.

6 On December 19, 2018, former counsel for the Messina Defendants notified the Court that  
7 they had been terminated and moved to withdraw as counsel. See ECF No. 17 (Howard & Howard  
8 Attorneys PLLC and Jonathan W. Fountain's Motion to Withdraw as Counsel). On or about  
9 January 3, 2019, the undersigned counsel for the Messina Defendants agreed to be retained on the  
10 representations of the undersigned counsel for Plaintiffs that Plaintiffs would agree to the prior  
11 order to permit the newly retained counsel for the Messina Defendants time to assess the case  
12 before having to respond to the Complaint. Subsequent to that extension, the undersigned counsel  
13 for the Messina Defendants commenced discussions with Plaintiffs' counsel to explore the  
14 potential to resolve the matter, to wit, by means of an extensive, written analysis of the non-  
15 infringement, patent validity and alleged false advertising issues in the case.

16 On March 7, 2019, the Court granted the parties' request to extend the deadline for  
17 Defendants to respond to permit Plaintiffs' counsel to engage in discussions with subject matter  
18 experts on issues related to the patents prior to requiring Defendants to answer or respond. See  
19 ECF No. 27. While this was only the first extension since the Messina Defendants' retention of  
20 their current counsel, it was the fourth request from the commencement of the action. The purpose  
21 of that extension was to provide a window for the parties to continue settlement discussions. *Id.*

22 On March 27, 2019, the parties requested an additional extension to afford Plaintiffs  
23 additional time to conclude discussions with subject matter experts and follow-up with counsel  
24 for Defendants. That occurred, but at a date too near the deadline to permit Defendants to assess  
25 the same or for the parties to otherwise conclude negotiations.

26 On April 25, 2019, the parties again requested an additional extension through June 14,  
27 2019 to allow time for the Defendants to answer or otherwise respond to the complaint to permit  
28 Defendants to consult with their counsel on Plaintiffs' proposal and to thereafter continue to

engage in efforts to assess whether a resolution of the dispute could be achieved. See ECF No. 31. The additional time resulted in a further substantive analysis by Defendants, which Plaintiffs are now considering. In the course of such consideration, on May 17, 2019, Plaintiffs filed their First Amended Complaint. See ECF No. 32.

At the time of the June 14, 2019 deadline, the parties realized more time would be required, but Plaintiffs' counsel was unable to obtain timely authorization of an extended deadline and, consequently, agreed to a brief extension of the deadline for Defendants to answer or otherwise respond to the Amended Complaint through June 28, 2019, which the Court "so ordered" on June 17, 2019. See ECF No. 36. The parties now agree to an extended deadline through September 3, 2019 with the expectation that they will be able to resolve the case within this time period.

For the foregoing reason, the parties hereby stipulate to extend the deadline for the Messina Defendants to answer or otherwise respond to the Amended Complaint from **June 28, 2019 to September 3, 2019.**

**IT IS SO AGREED AND STIPULATED.**

DATED this 21st day of June, 2019.

DATED this 21st day of June, 2019.

LAW OFFICES OF PHILIP A. KANTOR, P.C.

WEIDE & MILLER, LTD.

By: /s/ Philip A. Kantor

By: /s/ F. Christopher Austin

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**IT IS SO ORDERED.**



**UNITED STATES MAGISTRATE JUDGE**

DATED: June 24, 2019